

Document 2.4**TOWARDS COMPLETION: IMPLEMENTING ARTICLE 5****DISCUSSION PAPER****Co-Chairs and Co-Rapporteurs of the Standing Committee
on Mine Clearance, Mine Risk Education and Mine Action Technologies
(Chile, Jordan, Norway and Slovenia)**

During the period 2006-2009 the State Parties will need to ensure success in the application of mine clearance obligations as contained in Article 5. Action #27 of the Nairobi Action Plan clearly states that the States Parties shall “strive to ensure that few, if any, States Parties will feel compelled to request an extension in accordance with the procedure set out in Article 5, paragraphs 3-6 of the Convention.”

To implement Article 5 a set of actions is required from all States Parties. These actions must be taken in line with the cooperative spirit of the Convention along parallel tracks, with different timelines within the coming 3-year period, and be mutually reinforcing towards the common goal of compliance with Article 5 obligations. Actions should be based on the following elements:

- Common understanding among States Parties of what it means to have completely met Article 5 obligations and how such fulfillment is to be communicated. It is understood that the ultimate responsibility related to compliance with Article 5 rests with the State Party in question,
- States Parties with approaching deadlines are committed to meet Article 5 obligations based on national implementation plans specifying how the obligations will be met within deadlines,
- Commitments from States Parties in a position to assist that they will do so in a manner consistent with the Convention,
- Agreement among States Parties on all aspects related to possible requests for extension of deadlines to comply with Article 5 obligations, including timelines, scope and format of extension requests, review procedures and decision-making process.

Fulfillment of Article 5 obligations calls for a temporal approach and should be as efficient as possible. Actions should be prioritised and sequenced within the framework of the coming three Meetings of the States Parties and subsequent Intersessional meetings. States Parties should agree on an overall timetable for this period, with clear goals and milestones for each of the necessary actions towards Article 5 compliance.

Timeline

The first deadline for full Article 5 compliance is 1 March 2009, prior to the Second Review Conference. The 9th Meeting of the States Parties in 2008 is the last opportunity for States Parties to address Article 5 compliance issues and possible extension requests before this deadline. Based on this, a timetable for addressing Article 5 compliance within the coming

three Meetings of the States Parties (with relevant preparatory and follow-up work during the Intersessional Meetings) could look like the following:

7th Meeting of the States Parties – September 2006.

- States Parties should clarify and demystify what compliance with Article 5 actually means.
- States Parties with Article 5 deadlines in 2009 should present plans for how they will meet their deadlines, complete with their needs and expectations for support from other States Parties in reaching this target.
- States Parties in a position to assist may wish to inform the meeting how they intend to support Article 5 compliance.
- Furthermore the Meeting of the States Parties should initiate a process to develop and recommend relevant and realistic procedures for producing, reviewing and deciding on extension requests in a way that supports the overall efforts to comply with Article 5 in the most resource-efficient manner.

To facilitate the application of Article 5.3 – 6 the Meeting of the States Parties should:

- 1) Request the ISU, in accordance with its mandate, to assist individual States Parties in the development of extension requests before they are formally submitted to the Meeting of the States Parties; and
- 2) Elect a Group of 3-5 Experts comprising necessary technical, legal and diplomatic expertise to review such requests before formal submission to the Meeting of States Parties. The mandate of this Group of Experts is twofold:
 - a) ensure that possible extension requests are consistent with Article 5.4 and meet the high expectations of the States Parties, and
 - b) make recommendations to the Meeting of States Parties on how to respond to the individual extension requests.

The group will report to the President and be assisted by the Implementation Support Unit.

8th Meeting of the States Parties – September 2007

The 8th Meeting of the States Parties should agree on format, scope and quality of extension requests, submission criteria and reviewing and decision-making procedures for extension requests, so that they are ready for the following Meeting of the States Parties.

9th Meeting of the States Parties - September 2008

The 9th Meeting of the States Parties is likely to be required to make decisions on extension requests from States Parties that may be unable to meet the deadlines as of 1 March 2009.

It is vital to the success of the Convention that the legitimate possibility for States Parties to seek extension from Article 5 deadlines is not seen as a way of circumventing compliance obligations, but is well integrated into overall compliance efforts. The procedures adopted to develop and review extension requests should reflect the high standards States Parties are expected to have regarding such requests. Engaging States Parties in this process sooner rather than later should therefore be seen as reinforcing compliance efforts.

Next steps

At its May 2006, the Standing Committee should advance discussions on these important matters by focussing on the following:

- What does it mean to fulfill Article 5 obligations, and how should States Parties report fulfillment of Article 5 requirements?
- How to ensure relevant and updated reporting on actions and resources needed for the States Parties in question to meet the deadlines in 2009 and beyond?
- What should be the required standard of the requests for extensions in addition to the requirements defined by Article 5.4?
- What will be needed to review requests for extensions in terms of capacity, competence and mandate?